

Item SPR06-37 Response Form

Title: Probate: Plain-language petitions for appointment of a guardian (amend Cal. Rules of Court, rule 7.101; adopt forms GC-210P, GC-210(CA), and GC-110P; revise forms GC-210 and GC-110)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- ☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.

Invitations to Comment SPR06-37

Title	Probate: Plain-language petitions for appointment of a guardian (amend Cal. Rules of Court, rule 7.101; adopt forms GC-210P, GC-210(CA), and GC-110P; revise forms GC-210 and GC-110)
Summary	Plain-language alternative mandatory forms would be adopted for petitions for the appointment of a guardian and a temporary guardian of the person, a mandatory attachment for use with all general guardianship petitions would be adopted, and the current general and temporary guardianship petitions would be revised to accommodate the new forms. Rule 7.101 would be amended to prescribe the use of these new and revised forms and provide for alternative mandatory forms in probate proceedings.
Source	Probate and Mental Health Advisory Committee, Hon. Don Edward Green, Chair
Staff	Douglas C. Miller, Attorney, Office of the General Counsel, 415-865-7535, douglas.miller@jud.ca.gov
Discussion	<p>This proposal includes two new probate guardianship petitions in the plain-language format. Proposed form GC-210P is a petition for appointment of a general guardian of the person. Form GC-110P is a petition for appointment of a temporary guardian of the person.</p> <p><i>Alternative Mandatory Forms</i></p> <p>The new guardianship petitions would be mandatory forms. However, they are offered as alternatives to, not replacements for, the existing petition for appointment of a guardian (form GC-210) and the petition for appointment of a temporary guardian or conservator (form GC-110), which are also mandatory forms. At the option of the petitioner, either the new forms or the existing petitions could be used to request the appointment of a general or temporary guardian of the person. The existing forms would continue to be required to ask the court to appoint a general or temporary guardian of a child's estate or a child's person and estate; the proposed plain-language petitions do not contain allegations necessary for appointment of a guardian of the estate.</p> <p>Mandatory Judicial Council forms must be used "wherever applicable" (Cal. Rules of Court, rule 201.1(b)(1)). Where two alternative mandatory forms are applicable, either may be used, but one of them</p>

must be used.¹

The new plain-language forms are proposed as alternative forms because probate guardianships are frequently filed by unrepresented persons. Many, if not most, of these petitioners request the appointment of a guardian of a child's person only because the child has no estate. Few self-represented persons file petitions for appointment of a guardian of a child's estate or person and estate, and therefore the need for a plain-language form for these purposes is reduced. In addition, the items in the current petitions concerning estate-related issues, such as those necessary to determine the amount of a surety bond or request independent powers of a guardian of the estate under Probate Code section 2590, do not readily lend themselves to plain-language treatment.

New forms GC-210P and GC-210(CA); revised form GC-210

Probate Code section 2106 authorizes the court to appoint a guardian for several children and permits the petitioner to request the appointment of a guardian for several children in one petition. However, the existing petition for appointment of a general guardian, form GC-210, calls for the names of all children involved only in the case caption, asks questions about only one child, and provides space in the form to answer those questions only for that child. The petitioner is directed to prepare a separate attachment to provide information about other children. (See items 1 and 1c of existing form GC-210, which say: "Petitioner . . . requests that . . . [t]he proposed guardian be appointed for several minors who are brothers and sisters. The information requested in items 2–11 for each additional minor is

¹ Alternative mandatory forms are new. On November 4, 2005, effective January 1, 2006, the Judicial Council revised two juvenile court forms to make them alternative mandatory instead of optional forms. The purpose of this revision was to clarify that, although the choice to use either form rests with the form's user, the use of one of them is mandatory. See page 2 of the Report of the Family and Juvenile Law Advisory Committee to the Judicial Council concerning forms JV-100, JV-101, JV-110, and JV-180 (Judicial Council of Cal., agenda (Nov. 4. 2005), item A27). The referenced report is posted on the judicial branch's public Web site, at <http://www.courtinfo.ca.gov/jc/documents/reports/1105itemA27.pdf>.

The pending proposal to reorganize the California Rules of Court includes the addition of a sentence to rule 201.1(b)(1) (as reorganized rule 1.31(a)(1)) that would explicitly recognize alternative mandatory forms. The reorganization proposal has completed circulation for public comment and will be considered by the council in June 2006. If adopted, the reorganized rules would be effective on January 1, 2007. The report on reorganized title 1 of the rules, including rule 1.31(a)(1), is posted on the judicial branch's public Web site, at <http://www.courtinfo.ca.gov/invitationstocomment/documents/SP06-03.pdf>. See page 18 of that report.

supplied in Attachment 1c.”)

Self-represented petitioners file a significant number of multiple-child petitions. The advisory committee believes that the above-quoted general instruction is difficult for these petitioners to understand and comply with. Moreover, the instruction is inconsistent with Probate Code section 2106, which does not restrict petitions for appointment of a guardian for multiple minors to siblings.

For these reasons the advisory committee eliminated the reference to siblings in the existing form and in the new alternative petition, and designed the new alternative petition and redesigned the existing petition to list the names and birthdates of all proposed wards and to call for additional information about each child to be placed in a separate attachment rather than in the petition or in a combination of the petition for the first child and a generic attachment for all others.

The new *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) is the form attachment proposed for this purpose. Although this form is in the plain-language format, it is designed to be attached to both the plain-language and the standard-format petitions. The attachment requests the same information concerning each child as is now requested in items 2–11 and 18 of the existing petition.

Item 18 requests the names and addresses of the child’s parents, grandparents, brothers and sisters, and children. These are the second-degree relatives who must be listed in the petition because they, together with a proposed ward’s spouse, must be served with notice of the hearing on the petition.²

² See Probate Code sections 1510(c)(1) and (3), 1511(b)(3), and 1511(c)(2). A guardian of the person cannot be appointed for a married or divorced minor (Prob. Code, § 1515); the minor’s spouse must be listed in the petition and given notice of the hearing only if the petition requests the appointment of a guardian of the estate (Prob. Code, §§ 1510(c)(4), 1511(c)(1)).

Neither the new form attachment nor the existing petition, despite the instruction for item 18, provides space for the name and address of a proposed ward’s child although a child is a relative within the second degree. A proposed ward’s child is certain to be under the age of 12. Service of notice of hearing on a child under that age—and thus listing of the child’s name and address in the petition—is unnecessary if notice is given to the child’s parent (the proposed ward in this situation), guardian, or other person with whom the child resides (Prob. Code, § 1460.1). In virtually all cases, notice to the proposed ward, his or her parents, and other close relatives would be sufficient notice to the proposed ward’s young child.

The advisory committee proposes to move item 18 of the existing petition to item 2 of the new attachment form because the committee believes that each child's relatives should be identified and listed. In the case of siblings or half-siblings there will be many common relatives. However, there are also important differences between many related children in their extended family relationships, most commonly, different fathers and paternal grandparents. Easily accessible space should be provided in the form for the close relatives of each child to be listed to ensure that all are identified and served with notice of the hearing on the petition.

Another advantage of moving this material from the petition to an attachment is to provide enough space in the attachment for the names and addresses of all grandparents, as many as four siblings of each proposed ward, and the proposed ward's spouse when appointment of a guardian of the estate is requested, without resorting to another attachment. Placing this information in the attachment also provides space for a nominated guardian who is not proposed as guardian to be listed.³

The proposed plain-language petition does not require or provide a place for a petitioner to allege that parental custody of a proposed ward would be detrimental to the child (see item 13 of the existing petition). This is an intentional omission. The court must make a finding of detriment before appointing a guardian of the person of a child other than a parent only if the parent objects to the appointment. Moreover, allegations showing detriment beyond the ultimate conclusion are not permitted in the pleadings. (See Fam. Code, § 3041(a), made applicable to a probate guardianship by Prob. Code, § 1514(b).)

The advisory committee believes that an option to allege detriment contained in the petition might often be selected by unrepresented persons when it is unnecessary to disposition of the case, and the allegation might unduly interfere with reasonable efforts to convince parents to consent to requested and appropriate appointments of guardians. When a parent does object to a proposed appointment and findings of detriment become necessary, the court can require the petitioner to provide factual evidence showing detriment at trial and to

³ See Probate Code sections 1510(c)(5) and 1511(b)(4), which require a nominee for guardian not proposed for appointment to be (1) listed in the petition for appointment of guardian, and (2) served with notice of the hearing and a copy of the petition.

the investigators conducting the guardianship investigations authorized by Probate Code sections 1513 or 1543.

The allegation of detriment, however, would be retained as an option in the revised standard-format petition (revised form GC-210, item 8). Only the bare allegation of detriment would be permitted and the current form's reference to an attachment for additional factual statements in support of the allegation would be deleted. Form GC-210 is intended primarily for represented petitioners. The advisory committee believes they would be less likely than unrepresented persons to make such allegations merely because an option to do so appears in the form.

The advisory committee is considering the development of a separate confidential form to contain factual allegations of detriment, to be submitted only after a parent objects to a petition for guardianship. If such a form is proposed, the detriment allegation contained in the revised standard-format petition would be deleted. Your comments on the need for or utility of such a form are requested.

Item 5 of proposed new form GC-210P is directed at proposed guardians who are not related to their proposed wards. It asks the petitioner if the proposed guardian is a licensed foster family home and asks the proposed guardian to agree—if a petitioner, by signing the petition and if not a petitioner, by attaching a signed statement—to provide information requested by an agency investigating an adoption or an agency designated by the county to provide public social services.

Items 5b and 5c would replace item 16a of the existing petition, which asks whether the proposed guardian agrees to furnish all information requested by an agency described in Probate Code section 1543.⁴ The new form identifies the agencies rather than just referring to the code section.

Item 16c of the existing form, concerning the proposed guardian's planned filing of adoption proceedings for the proposed ward, would be moved to the new form attachment, form GC-210(CA), as item 6c. This item properly applies to each child involved in the case

⁴ This information is required in petitions for the appointment of an unrelated person as guardian of the person or person and estate of a child. See Probate Code sections 1540 and 1541.

individually, not necessarily to all of them collectively.

The existing form GC-210 would be revised to accommodate the proposed new attachment, provide space for listing all proposed wards, and be identified as a mandatory and an alternative mandatory form.⁵ The advisory committee has taken the opportunity presented by the need to make these changes to revise the form to provide adequate space for responses to all items and improve the form's general appearance.

New form GC-110P; revised form GC-110

The proposed new plain-language form petition for appointment of a temporary guardian would be an alternative mandatory form to be used to request the appointment of a temporary guardian of the person. The revised form GC-110 could also be used for this purpose and would be required to request appointment of a temporary guardian of a child's estate.

The existing form contemplates that a temporary guardian will be requested for only one child. Because of concerns about available space, that would not be changed in the revised form GC-110. However, the new plain-language form would refer to an attachment for children in addition to one child identified in the form.⁶ This is possible because the new form does not contain items pertaining to the appointment of a temporary conservator or a temporary guardian of a child's estate.

Revised rule 7.101

Rule 7.101 of the California Rules of Court, entitled "Use of Judicial Council forms," would be amended to provide for alternative mandatory forms in probate proceedings, list the alternative mandatory forms recommended in this proposal as the first such forms adopted for use in probate matters, and prescribe the use of these forms.

A copy of the proposed new alternative mandatory *Petition for Appointment of Guardian of the Person* (form GC-210P) is attached at

⁵ Mandatory because the form would continue to be required for the appointment of a guardian of the estate or the person and estate, and alternative mandatory because the form could be used instead of new form GC-210P at the option of the petitioner.

⁶ The attachment would be a party-drafted generic attachment, not proposed new form GC-210(CA), which is intended for use with a petition for appointment of a general guardian.

pages 8–10.

A copy of the proposed new mandatory *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) is attached at pages 11–13.

A copy of the proposed new alternative mandatory *Petition for Appointment of Temporary Guardian of the Person* (form GC-110P) is attached at pages 14–15.

A copy of the proposed revised alternative mandatory and mandatory *Petition for Appointment of Guardian of Minor* (form GC-210) is attached at pages 16–18.

A copy of the proposed revised alternative mandatory and mandatory *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110) is attached at pages 19–20.

A copy of the proposed amended rule 7.101 of the California Rules of Court is attached at page 21.

Attachments

**Petition for Appointment of
Guardian of the Person**Guardianship of the Person of *(all children's names)*: _____

Clerk stamps date here when form is filed.

**Draft 12
03/16/06****Not Approved by the
Judicial Council**

You may use this form or the Petition for Appointment of Guardian of Minor (Form GC-210) to petition, or ask, the court to appoint a guardian of the person of a minor child. (You must use Form GC-210 to ask the court to appoint a guardian of a minor child's estate or person and estate.)

Fill in court name and street address:

Superior Court of California, County of _____

Clerk fills in information below when form is filed.

Case Number: _____

Hearing Date and Time: _____

Dept.: _____

c. Your Phone # *(skip this if you have a lawyer)*: _____**① Information about the person you want to be guardian:**a. Name *(first/middle/last)*: _____

b. Address: _____

c. Phone #: _____

② ☐ Check this box if you (the petitioner) are *not* the person in ①, and fill in below.a. Your name *(first/middle/last)*: _____b. Your address *(skip this if you have a lawyer)*: _____d. Your lawyer *(if you have one)* (Name, address, phone number, and State Bar number): _____e. ☐ Check this box and fill in your date of birth below if you are the child named above and in ⑥, you are at least 12 years old, and you want the person named in ① to be your guardian.My date of birth is *(month/day/year)*: _____f. ☐ Check this box if more than one person is petitioning (asking) the court to appoint a guardian for the child or children named in ⑥. Give the same information requested above for each additional person on a separate sheet of paper. Write "Form GC-210P—Attachment 2: Additional Petitioners" at the top of the paper and attach it to this form.**③ The guardianship is necessary or convenient for the reasons given below. (Explain why the child or children need a guardian):** _____

☐ Check here if you need more space. Continue your explanation on a separate sheet of paper.
Write "Form GC-210P—Attachment 3: Need for Guardian" at the top of the paper and attach it to this form.



Guardianship of the Person of (all children's names): _____

Case Number: _____

- ④ Do the parents of the child or children named above and in ⑥ agree that the person in ① can be the guardian?
☐ Yes ☐ No *If you checked "Yes," attach Nomination of Guardian and Consent to Appointment of Guardian and Waiver of Notice (Form GC-211) signed by the parents, or a copy of the parents' wills or other documents that nominate or consent to the appointment of this person as guardian.*

- ⑤ ☐ **Suitability of Unrelated Guardian for Guardianship** *Check this box, answer the question in a, and check the box in b or c if the person in ① is not related to all children named in ⑥. If you check the box in c, attach the signed statement of the person in ① to this form as Attachment 5.*

- a. Does the person in ① run a licensed foster family home? ☐ Yes ☐ No
- b. ☐ I am the person named in ①. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
- c. ☐ I am **not** the person named in ①. The signed statement of that person agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 5.

- ⑥ **Tell the court about the child or children who need a guardian:**
Fill out and attach to this form a separate copy of Guardianship Petition—Child Information Attachment (Form GC-210(CA)) for each child for whom you want the court to appoint a guardian. Include all children's names at the top of all pages of this form.

The full legal name and date of birth of each child who needs a guardian is (specify):

- a. Name: _____ Date of Birth: _____
First Middle Last Month/Day/Year
- b. Name: _____ Date of Birth: _____
First Middle Last Month/Day/Year
- c. Name: _____ Date of Birth: _____
First Middle Last Month/Day/Year
- d. Name: _____ Date of Birth: _____
First Middle Last Month/Day/Year

- ☐ *Check here if there are additional children. Continue this list on a separate sheet of paper. Write "Form GC-210P—Attachment 6: Additional Children" at the top of the paper and attach it to this form.*

- ⑦ **Petitioner asks the court to** (check all that apply):

- a. Appoint the person named in ① guardian of the person of the child or children named in ⑥ and issue Letters of Guardianship.
- b. ☐ *Check this box, read the instructions at the top of page 3 of this form, and give the information requested below if you want the court to excuse you from giving notice of the court hearing on this petition to the child's or children's relatives or other persons to whom the law requires that such notice be given. Waive the requirement to give notice to one or more relatives or other persons listed in ② of the attached Form GC-210(CA) for (specify name of each child to whose relative or other person you want the court to waive notice):* _____

- 7 b. You may ask the court to waive notice to a child's relative or other person listed in ② of that child's attached Form GC-210(CA) only if you do not know where the relative or other person is and you have made reasonable efforts to find that person, or if giving notice to that person may harm the child or otherwise be contrary to the interests of justice.

Write on a separate sheet of paper the name of each child who has a relative or other person you can't give notice to, the name of each of those persons and the steps you have taken to find each of them, or the facts you believe show that giving notice to those persons would harm the child or would be contrary to the interests of justice. Write "Form GC-210P—Item 7b: Waiver of Notice" at the top and attach it to this form.

- c. ☐ Make the following additional orders (specify): _____

☐ Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210P—Attachment 7c: Additional Orders" at the top of the paper and attach it to this form.

8 **Filed with this petition are the following** (check all that apply):

- ☐ A Guardianship Petition—Child Information Attachment (Form GC-210(CA)) for **each** child listed in ⑥
- ☐ Consent of Proposed Guardian (Form GC-211)
- ☐ Nomination of Guardian (Form GC-211)
- ☐ Consent to Appointment of Guardian and Waiver of Notice (Form GC-211)
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)(Form FL-105/GC-120)
- ☐ Petition for Appointment of Temporary Guardian or Conservator (Form GC-110)
- ☐ Petition for Appointment of Temporary Guardian of the Person (Form GC-110P)
- ☐ Other (specify): _____

- 9 All attachments are made part of this form as though placed here. There are _____ pages attached to this form.

All petitioners and their attorney (if they have one) must read and sign below.

Date: _____

Petitioner's attorney signs here

Petitioner's attorney types or prints name here

I declare under penalty of perjury under the laws of the State of California that the information stated above is true and correct.

Date: _____

Petitioner signs here

Petitioner types or prints name here

Date: _____

Petitioner signs here

Petitioner types or prints name here

GC-210(CA)**Guardianship Petition—Child Information
Attachment**

Case Number: _____

Guardianship of (*all children's names*): _____

This child's name: _____

Fill out a separate copy of this form for **each** child for whom you want the court to appoint a guardian.This form is attached to ☐ item 2 of Form GC-210. ☐ item ⑥ of Form GC-210P.That form asks for the appointment of a guardian of this child's (*specify*): ☐ person ☐ estate ☐ person and estate**① Tell the court about this child**a. Child's full legal name: _____ Date of Birth: _____

FirstMiddleLastMonth/Day/Year

b. Child's current address: _____

Current telephone #: _____c. Is this child of Native American ancestry? ☐ Yes ☐ No*If you checked "Yes," you must provide the information required by the Indian Child Welfare Act (25 U. S. C. § 1901 et seq.) on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 1c:—Indian Child Welfare Act" at the top of the paper and attach it to this form.*d. Is this child married? ☐ Yes ☐ No ☐ Never married If you checked "No," was this child formerly married but the marriage was dissolved or ended in divorce? ☐ Yes ☐ No
*(The court can't appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)*e. Is this child receiving public assistance? ☐ Yes ☐ No *(If you checked "Yes," fill out below.)*

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
<input type="checkbox"/> TANF (Temporary Aid to Needy Families)	\$ _____	<input type="checkbox"/> Other (<i>explain</i>):	\$ _____
<input type="checkbox"/> Social Security	\$ _____	<input type="checkbox"/> Other (<i>explain</i>):	\$ _____
<input type="checkbox"/> Dept. Veterans Affairs Benefits	\$ _____		

f. Name and address of the person with *legal* custody of this child: _____
_____g. ☐ *(Check this box and fill out if this person is not the person with legal custody)*Name and address of the person this child lives with (has the care of the _____

_____h. *If this child has been involved in an adoption, juvenile court, marriage dissolution (divorce), domestic relations, custody, or other similar court case, describe below:*

Type of Case	Court District or County and State	Case Number (if known)

i. *If this child is in or on leave from an institution supervised by the California Department of Developmental Services or the California Department of Mental Health, write the name of the institution below:*

_____

Guardianship of (*all children's names*): _____

Case Number:

This child's name: _____

2 List the names and addresses of this child's relatives and other persons shown below:

<i>Relationship</i>	<i>Name</i>	<i>Home Address (Street, City, State, Zip Code)</i>
Father	_____	_____
Mother	_____	_____
Grandfather (Father's father)	_____	_____
Grandmother (Father's mother)	_____	_____
Grandfather (Mother's father)	_____	_____
Grandmother (Mother's mother)	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____

☐ Check here if this child has additional brothers or sisters, including half-brothers and half-sisters, and list their names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Item 2:—Other Siblings" at the top of the paper and attach it to this form.

Spouse (Guardianship of the estate only)	_____	_____
Person nominated as guardian of this child. (Other than the proposed guardian named in ③ .)	_____	_____



Guardianship of (all children's names): _____

Case Number:

This child's name: _____

3 Information about the proposed guardian:

a. Name: _____

b. Relationship to the child named in ① :

☐ Relative (specify): _____

☐ Not a relative (explain interest in or connection to this child): _____

4 Explain why appointing the person in ③ guardian would be best for this child: _____

☐ Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 4:—Best Interest of Child" at the top of the paper and attach it to this form.

5 Do this child's parents agree the person in ③ can be the child's guardian ? ☐ Yes ☐ No

(If you checked "Yes," attach to Form GC-210 or Form GC-210P a completed and signed Form GC-211 or a copy of the parents' wills or other documents that nominate or consent to the appointment of this person as guardian of this child.)

6 Suitability for guardianship of this child

a. Does this child live with the person in ③ now? ☐ Yes ☐ No

b. If the guardianship is approved, will this child live with the person in ③? ☐ Yes ☐ No

c. Does the person in ③ plan to adopt this child? ☐ Yes ☐ No

7 ☐ Check this box if you (the petitioner) are not the person in ③, and fill in below.

Your relationship to this child:

☐ Relative (specify): _____

☐ Not a relative (explain your interest in or connection to this child): _____

8 Except as otherwise stated in this form, the statements made in the Form GC-210 or Form GC-210P to which this form is attached fully apply to this child.

**Petition for Appointment of
Temporary Guardian of the Person**

Clerk stamps date here when form is filed.

Temporary Guardianship of (all children's names): _____

**Draft 4
03/20/06****Not Approved by the
Judicial Council**

You may use this form or Petition for Appointment of Temporary Guardian or Conservator (Form GC-110) to ask the court to appoint a temporary guardian of the person for a minor child. (You must use Form GC-110 to ask for appointment of a temporary guardian of a minor child's estate or person and estate.) You may use this form to request appointment of a temporary guardian for one or more than one child.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:**① The person asking for this temporary guardianship
(the petitioner) is:**a. Your name: _____
First Middle Lastb. Your address (skip this if you have a lawyer):

c. Your phone # (skip this if you have a lawyer): _____

d. Your lawyer (if you have one) (Name, address, phone number, and
State Bar number): _____

e. Your relationship to the child in ② (check all that apply):

☐ Relative (specify): _____☐ Not a relative (explain your interest in or connection to the child): _____

_____☐ Petitioner is the child in ② who is age 12 or older and is asking for the person in ④ to be his or her
temporary guardian. Petitioner's date of birth is (month/day/year): _____**② This temporary guardianship of the person would be for:**

a. Child's full legal name: _____

b. Child's current address: _____

c. Child's current phone #: _____

☐ Check here if you want a temporary guardian for more than one child. Give the information asked above for
additional children on a separate sheet of paper. Write "Form GC-110P—Attachment 2: Additional Children"
at the top of the paper and attach it to this form.

Temporary Guardianship of (all children's names): _____

Case Number: _____

3 Why does the child in 2 need a temporary guardian right now?

The child needs temporary care, maintenance, and support right now because (explain):

- ☐ Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "GC-110P—Item 3: Reasons for Appointment of Temporary Guardian" at the top of the paper and attach it to this form.

4 Who do you want the court to appoint as the temporary guardian of the child's person?

- a. Name: _____
First Middle Last
- b. Address: _____

5 Petitioner asks the court to waive notice:

For the reasons stated below, Petitioner asks the court to waive the requirement to give notice of the hearing on this petition to (check all that apply): :

- a. ☐ The child in 2.
- b. ☐ The child's father (name): _____
- c. ☐ The child's mother (name): _____
- d. ☐ A person other than a parent who has a court order for visitation with the child (name): _____

You may ask the court to waive notice to a person listed above only if you do not know where the person is and you have made reasonable efforts to find him or her, or for other good cause or reasons.

The steps taken to find the person identified above and the other reasons for this request are (explain):

- ☐ Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-110P—Attachment 5: Request for Waiver of Notice" at the top of the paper and attach it to this form.

6 Petitioner asks the court to:

Appoint the person listed in 4 temporary guardian of the person of the child named in 2 and issue Letters of Temporary Guardianship of the Person.

7 Do you think the child will go to the court hearing? ☐ Yes ☐ No

8 All attachments are made part of this form as though placed here.

There are _____ pages attached to this form. (If none, write "0".)

All Petitioners and their attorney (if they have one) must read and sign below.

Date: _____
Petitioner's Attorney signs here Petitioner's Attorney types or prints name here

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____
Petitioner signs here Petitioner types or prints name here

Date: _____
Petitioner signs here Petitioner types or prints name here

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> <div>E-MAIL ADDRESS (Optional):</div> <div>ATTORNEY FOR (Name):</div>	FOR COURT USE ONLY Draft 3 03/20/06 Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF (Name): <div style="text-align: right;">MINOR</div>	CASE NUMBER:
PETITION FOR APPOINTMENT OF GUARDIAN OF <input type="checkbox"/> MINOR <input type="checkbox"/> MINORS* <div style="text-align: center;"> <input type="checkbox"/> Person <input type="checkbox"/> Estate </div>	<div style="display: flex;"> <div style="flex: 1;">HEARING DATE AND TIME:</div> <div style="flex: 1;">DEPT.:</div> </div>

1. **Petitioner (name each):**

requests that

- a. ☐ (Name):
 (Address and telephone):
 be appointed guardian of the PERSON of the minor or minors named in item 2 and Letters issue upon qualification.
- b. ☐ (Name):
 (Address and telephone):
 be appointed guardian of the ESTATE of the minor or minors named in item 2 and Letters issue upon qualification.
- c. (1) ☐ bond not be required ☐ petition is for guardian of the person only ☐ for the reasons stated in Attachment 1c
☐ because proposed guardian is a corporate fiduciary or an exempt government agency.
- (2) ☐ \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law.
 (Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)
- (3) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed.
 (Specify institution and location):
- d. ☐ authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. ☐ orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351–2358 be granted (specify orders, facts, and reasons in Attachment 1e).
- f. ☐ an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. ☐ other orders be granted (specify in Attachment 1g).

2. Attached is a copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for **each** minor for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each minor is :

a. Name:	Date of Birth (month/day/year):
b. Name:	Date of Birth (month/day/year):
c. Name:	Date of Birth (month/day/year):
d. Name:	Date of Birth (month/day/year):

☐ The names and dates of birth of additional minors are specified on Attachment 2 to this petition.

*** You MAY use this form or form GC-210P for a guardianship of the person. You MUST use this form for a guardianship of the estate or the person and estate. Do NOT use this form for a temporary guardianship.**

GUARDIANSHIP OF (Name):

CASE NUMBER:

MINOR

3. Petitioner is

 - ☐ related to the minor or minors named in item 2, as shown in item 7 of the attached form(s) GC-210(CA).
 - ☐ the minor named in item 2, who is 12 years of age or older.
 - ☐ other person on behalf of minor or minors named in item 2, as shown in item 7 of the attached forms(s) GC-210(CA).

4. The proposed guardian is (check all that apply):

 - ☐ nominee (affix nomination as Attachment 4 or file Nomination of Guardian (form GC-211) with this petition).
 - ☐ related to the minor or minors named in item 2, as shown in item 3 of the attached form(s) GC-210(CA).
 - ☐ other, as shown in item 3 of the attached forms(s) GC-210(CA).

5. ☐ Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.

6. ☐ A person other than the proposed guardian has been nominated as the guardian of the minor by ☐ will ☐ other writing. A copy of the nomination is affixed as Attachment 6. (Specify name and address of nominee):

7. ☐ **Character and estimated value of property of the estate** (complete if petition requests appointment of a guardian of the estate or the person and estate):

 - Personal property: \$
 - Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
 - Total:** \$ _____
 - Real property: \$

8. Appointment of a guardian of the ☐ person ☐ estate of the minor or minors named in item 2 is necessary or convenient for the following reasons:

☐ Continued in Attachment 8. ☐ Parental custody would be detrimental to the minor or minors named in item 2.

9. ☐ Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.

10. ☐ Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because

 - ☐ they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 10).
 - ☐ giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 10).

11. ☐ (Complete this item if this petition is filed by a person who is not related to the minor and is not a petition for appointment of a guardian of the estate only.)

 - ☐ Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
 - ☐ Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
 - The proposed guardian's home ☐ is ☐ is not a licensed foster family home.
 - ☐ The proposed guardian has never filed a petition for adoption of the minor ☐ except as specified in Attachment 11d.

MINOR

- | | |
|--------------------------|--|
| <input type="checkbox"/> | A Guardianship Petition—Child Information Attachment (form GC-210(CA)) for each child listed in item 2. |
| <input type="checkbox"/> | Consent of Proposed Guardian (form GC-211) |
| <input type="checkbox"/> | Nomination of Guardian (form GC-211) |
| <input type="checkbox"/> | Consent to Appointment of Guardian and Waiver of Notice (form GC-211) |
| <input type="checkbox"/> | Petition for Appointment of Temporary Guardian (form GC-110) |
| <input type="checkbox"/> | Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) |
| <input type="checkbox"/> | Other (specify): |

- (SIGNATURE OF ATTORNEY*)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="font-size: 1.2em; font-weight: bold;">Draft 2</div> <div style="font-size: 1.2em; font-weight: bold;">03/20/06</div> <div style="font-size: 1.2em; font-weight: bold;">Not Approved by the Judicial Council</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (Name): <div style="display: flex; justify-content: center; gap: 20px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE </div>	
<div style="text-align: center; font-weight: bold;"> PETITION FOR APPOINTMENT OF TEMPORARY <input type="checkbox"/> GUARDIAN <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> Person <input type="checkbox"/> Estate </div>	

1. **Petitioner (name each):**

requests that

- a. (Name):
(Address and telephone number):
be appointed temporary ☐ guardian ☐ conservator of the PERSON of the ☐ minor ☐ proposed conservatee and Letters issue upon qualification.
- b. (Name):
(Address, and telephone number):
be appointed temporary ☐ guardian ☐ conservator of the ESTATE of the ☐ minor ☐ proposed conservatee and Letters issue upon qualification.
- c. (1) ☐ bond not be required because petition is for a temporary guardianship or conservatorship of the person only.
 (2) ☐ bond not be required for the reasons stated in Attachment 1c.
 (3) ☐ \$ _____ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.
(Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320.)
 (4) ☐ \$ _____ in deposits in a blocked account be allowed. Receipts will be filed.
(Specify institution and location):
- d. ☐ the powers specified in Attachment 1d be granted in addition to the powers provided by law.
- e. ☐ an order be granted dispensing with notice to the ☐ minor ☐ proposed conservatee ☐ minor's mother ☐ minor's father ☐ other person having a visitation order for the reasons stated in Attachment 1e.
(Identify each by name and relationship.)
- f. ☐ other orders be granted *(specify in Attachment 1f)*.

2. The ☐ minor ☐ proposed conservatee is (name):

Current address:

Current
telephone:

3. The ☐ minor ☐ proposed conservatee requires a temporary ☐ guardian ☐ conservator to ☐ provide for temporary care, maintenance, and support ☐ protect property from loss or injury because (facts are ☐ specified in Attachment 3 ☐ as follows):

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (Name): <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE </div>	CASE NUMBER:
--	--------------

4. Temporary ☐ guardianship ☐ conservatorship is required
- a. ☐ pending the hearing on the petition for appointment of a general ☐ guardian ☐ conservator.
- b. ☐ pending the appeal under Probate Code section 1301.
- c. ☐ during the suspension of powers of the ☐ guardian ☐ conservator.

5. ☐ (Complete if a temporary guardianship or conservatorship of the estate or person and estate is requested.)
 Character and estimated value of the property of the estate:

- a. Personal property: \$ _____
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
- c. **Total:** \$ _____

6. ☐ **CHANGE OF RESIDENCE OF PROPOSED CONSERVATEE**

- a. ☐ Petitioner requests that the residence of the proposed conservatee be changed to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (precise reasons are ☐ specified in Attachment 6a ☐ as follows):

- b. ☐ The proposed conservatee must be removed from the State of California to permit the performance of the following non-psychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment.
 (Facts and place of treatment are ☐ specified in Attachment 6b ☐ as follows):

- c. (Change of residence only) The proposed conservatee

- (1) ☐ will attend the hearing.
- (2) ☐ is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- (3) ☐ is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as Attachment 6c.
- (4) ☐ is not the petitioner, is out of state, and will not attend the hearing.

- d. ☐ (Change of residence only) Filed with this petition is a proposed Order Appointing Court Investigator (form GC-330).

7. Petitioner believes the ☐ minor ☐ proposed conservatee ☐ will ☐ will not attend the hearing.

8. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached to this form.

Date: _____
 (SIGNATURE OF ATTORNEY*)

* (Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

Rule Proposal

Rule 7.101 of the California Rules of Court would be amended, effective January 1, 2007, to read:

Rule 7.101. Use of Judicial Council forms

- (a) **[Use of mandatory forms]** If a petition, an order, or another document to be submitted to the court is one for which the Judicial Council has adopted a mandatory form, that form must be used. Except as provided in this rule, if the Judicial Council has adopted a mandatory form in more than one alternative version, one of the alternative versions must be used. If that form is inadequate in a particular situation, an addendum may be attached to it.
- (b) **[Alternative mandatory forms]** The following forms have been adopted by the Judicial Council as alternative mandatory forms for use in probate proceedings:
- (1) Petition for Appointment of Guardian of Minor (form GC-210) and Petition for Appointment of Guardian of the Person (form GC-210P);
- (2) Petition for Appointment of Temporary Guardian or Conservator (form GC-110) and Petition for Appointment of Temporary Guardian of the Person (form GC-110P).
- (c) **[Use of guardianship forms]** Notwithstanding any other provision of this rule, a party petitioning for appointment of a temporary guardian of the person of a minor may file either form GC-110 or form GC-110P for this purpose. A party petitioning for appointment of a general guardian of the person of a minor may file either form GC-210 or form GC-210P for this purpose. A party petitioning for appointment of a temporary guardian of the estate or the person and estate of a minor must file form GC-110 for this purpose. A party petitioning for appointment of a general guardian of the estate or the person and estate of a minor must use form GC-210 for this purpose.